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Attorney File Ref: 102792-1071 / 11343P5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Benjamin David HINDLE
Serial No.: 10/579122
Filed: 24.Jan.2007
Examiner: Kyle A. PURDY
Art Group: 1611
Title: COMBUSTIBLE MOSQUITO COIL OR STICK

PER TELEFAX (571) 273-8300

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313 - 1450

01.February.2010

Dear Sir;

RESPONSE

This paper is responsive to the *Restriction Requirement* dated 17.August.2009.

This paper incorporates a Petition for a 5-Month Extension of Time in order to permit for the timely entry of this response.

This paper is being concurrently filed with a *Statement under 37 CFR 3.73(b) (Form PTO/SB/96)* and a *Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address (Form PTO/SB/82)*, which are being separately filed under separate cover.

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Regarding the Restriction Requirement:

In the *Restriction Requirement* dated 17.August.2009, the Examiner enters the following groups of claims:

Group I, claim(s) 1-20 and 31-33, drawn to a solid combustible means for controlling insects comprising a substrate, bifenthrin, and an accelerant.

Group II, claim(s) 21-23, drawn to a method for controlling mosquitoes, the method comprising burning the means of claim 2.

Group III, claim(s) 24-30, drawn to a method of producing a combustible control means of claim 1.

The applicant respectfully but strongly TRAVERSES the Examiner's division of the outstanding claims into Groups I, II, and III as indicated. Notwithstanding the assertions of the Examiner, the applicant believes that the subject matter of each of the Group I, II and III share a common technical nexus, namely "solid combustible means" of Group I, which would permit for the Examiner to concurrently consider and search the prior art with respect to all of the claims presently outstanding in the application, without causing an undue burden on the Examiner. The undersigned notes that the claims of Group II and Group III are respectively dependent from claims 2 and 1, and it is contended that any search of the subject matter of the Group I claims would inherently extend to "methods of use" to those compositions according to claims 1-20, and 31-33 and thus encompass the subject matter of the Group II and III claims. Thus, withdrawal of the outstanding restriction requirement is respectfully requested.

Nonetheless, if the Examiner does not withdraw the outstanding *Restriction Requirement*, the applicant provisionally elects with TRAVERSE the following:

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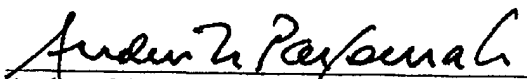
PETITION FOR A FIVE-MONTH EXTENSION OF TIME

Applicants respectfully petition for a five-month extension of time in order to permit for the timely entry of this response. The Commissioner is hereby authorized to charge the fee to Deposit Account No. 14-1263 with respect to this petition.

CONDITIONAL AUTHORIZATION FOR FEES

Should any further fee be required by the Commissioner in order to permit the timely entry of this paper, the Commissioner is authorized to charge any such fee to Deposit Account No. 14-1263.

Respectfully Submitted;




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01, Feb. 2010
Date:

Tel: 212 808-0700

Certification of Telefax Transmission:

I hereby certify that this paper and any indicated enclosures is being telefax transmitted to the US Patent and Trademark Office to telefax number: 571 273-8300 on the date shown below:


Andrew N. Parfomak

01, Feb. 2010
Date:

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